

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Hiroshi NOMURA )  
)  
Serial No.: Not yet assigned ) Group Art Unit:  
)  
Filed: March 26, 2001 ) Examiner:

11040 U.S. PTO  
09/816164  
03/26/01  
#4  
19 JUN 01  
R. Talbot

For: Method of Measuring Displacement of Optical Axis, Optical Microscope and Evaluation Mark

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the Examiner's attention the documents listed on attached Form PTO-1449. Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the documents listed on attached Form PTO-1449 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

The following is a concise statement of relevance of the non-English language documents:

1. Japanese Patent Laid Open (KOKAI) No. P2000-122304 discloses an aberration measuring method is using a mark including a large pattern and a small pattern and measures a distance between them as a magnitude of the coma aberration.

LAW OFFICES

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:

  
Richard V. Burgujian  
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Dated: March 26, 2001  
Enclosures  
RVB/FPD/peg

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